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ABSTRACT

This document is the second in a series of studies designed to examine the legal aspects of various potential educational problems in our society. This particular study deals with the case of a highly trained aerospace technician who sues the social security trust for loan benefits, arguing that he is economically disabled and has been retired by society. All the plaintiff wants is an opportunity to retrain himself through education with funds that he believes rightfully belongs to him. Seventy percent of the attorneys surveyed are of the opinion that the case will come to court and succeed within 3 years; 70% see the emergence of the concept of life-long education as a right as the primary implication for the future; 80% estimate between 1 and 5 million people would need similar service by 1980; 75% estimate the cost of such a service to be in excess of $150 million a year; and 85% see the effects of this case, if successful, as beneficial to society. (HS)

ED 061903

Emerging Education Policy Issues In Law

CAREER OBSOLESCENCE AND SOCIAL SECURITY

number two of a series

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by
stuart a. sandow
research fellow

an exploratory report from the
educational policy research center at syracuse
syracuse university research corporation

April 1971

Documents are available from the Educational Policy Research Center at Syracuse in three formats, besides the regular publication, Notes on the Future of Education:

RESEARCH REPORTS

Reports which have completed review by the EPRC and which deal with specific, policy oriented research. The reports in this series are usually marked by intensive research, either quantified or historical, and address themselves to specific research questions.

EXPLORATORY REPORTS

Reports which, while dealing with policy issues, often approach the realm of conjecture; they address themselves to social issues and the future, may be prescriptive rather than descriptive in tone, and are by nature, more controversial in their conclusions. The review of these reports by the EPRC is as rigorous as that for Research Reports, though the conclusions remain those of the researcher rather than necessarily representing consensus agreement among the entire Center staff.

WORKING DRAFTS

Working Drafts are papers in progress, and are occasionally made available, in limited supply, to portions of the public to allow critical feedback and review. They have gone through little or no organized review at the Center, and their substance could reflect either of the above two categories of reports.

Emerging Education Policy Issues in Law

CAREER OBSOLESCENCE AND SOCIAL SECURITY

(Number Two of a Series)

April 1971

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SURC Educational Policy Research Center at Syracuse

FUTURE NEW EVENT

'OBSOLETED' EXPERT ELIGIBLE FOR SOCIAL SECURITY BENEFITS! APPEAL FILED ! !

PHILADELPHIA (SURC) ---- The United States District Court in Philadelphia ruled today that John Aerosmith, an unemployed aerospace engineer, is eligible to receive advances, etc., from the social security trust fund.

Attorneys for the government have appealed to the United States Circuit Court of Appeals, and have indicated that, if the decision of the lower court is upheld they will appeal to the Supreme Court.

Aerosmith, a 41 year-old-father of three claims in his deposition to the court to have been unemployed for 13 months and unable to find any suitable employment. For the nine years preceding his unemployment, Aerosmith's annual salary had been in excess of $ 36,000. In an interview, he admitted that he had been living "beyond his means" during those years, carrying a heavy mortgage on his home and preparing to send his children to school, assuming that his earning potential in his field would continue to rise.

However, with the collapse of the aerospace job market Aerosmith found himself unemployed and with no reserves. He states that his desire to retrain himself in another field, rather than joining the welfare ranks, was stifled by insufficient funds. He was not able to support his family and pay tuition costs for the eighteen months necessary for retraining. He currently holds a master's degree in experimental physics.

Aerosmith applied to all other available sources for help, he claims, and finally filed an application for social security benefits. His argument was based on the fact that society had effectively "retired" him and made him "economically disabled." His claim was turned down by the Social Security Hearings and Appeals Board eleven months after the filing date.

Aerosmith further claims that he was not "seeking support in the classic sense. I merely wanted to draw against my accrued deposits for my educational needs."

His attorneys had, at first, advised him that the use of social security funds had been fought out for years in the courts. In fact, the Supreme Court had clearly stated that Congress was well within its powers under Article I, Section 8 of the United States Constitution to enact the social security act in aid to the "general welfare." and unless legislation so passed by Congress in aid of the "general welfare" was obviously arbitrary and out of order, the Supreme Court will not disturb such legislation, holding that any desired change in the law must be affected by Congress.

However Aerosmith desperate for relief, could not await legislative action. His attorneys finally agreed to bring a class action, arguing that the general welfare was not being served today. In their brief, they cited an excerpt from the opinion quoted above authored by Justice Cardozo. In that opinion he further noted:

". . . .Nor is the concept of the general welfare static. Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the nation. What is critical or urgent changes with the times."

Syracuse University Research Corporation, 1206 Harrison Street, Syracuse, New York 13210

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Note: The back cover details other cases in the series for easy reference.

INTRODUCTION

Many of the nation's legislators have been trained in law. Most are members of the Bar and have had practical experience in the law.

Many major changes in our dynamic society are initiated through the legislative process. These changes will help determine the future of th's society.

Policy analysis for the future is done by so-called experts for use by clients who request analysis, including the highest offices in the country. Advisement is an extremely tenuous role at best, and demands that the advisory group tap for expertise individuals whose opinion can be trusted to be a valuable input to the policy process.

Policy issues in education that reach the courts often prompt legislative action. These processes are primarily controlled by men trained in law.

What follows is the second inquiry in a series with a selected number of attorneys attentive to the future of education on a national level. The focus may have profound implications for education through the modification of policy agendas for tomorrow.

The case: A highly trained aerospace technician sues the social security trust for loan benefits arguing he is "disabled" (economically) and has been "retired" by his society.

PURPOSE OF THE SERIES

Studies at the Educational Policy Research Center at Syracuse over the past three years have developed material that helps clarify and place in perspective emerging issues that face the United States today and are the concerns of this decade. The Center is unique in its origin and focus, and works to identify the dimensions of change in the many discreet sectors of society and the impact of those changing realities on education. It is felt that there is a need to continually identify and examine our policy agendas at all levels of the system.

This series attempts to serve that purpose; to develop from the questions raised by the work at the Educational Policy Research Center at Syracuse, issues that are worthy of address--issues that point up inequities in service or disclose policy questions--that demand attention.

I have chosen the judicial system as a staging area to allow one man to argue against the past and interpret his present in such a way as to demand legislative review and, where necessary, action.

I have chosen this strategy for the following reasons. There are emerging in our society precedent cases that, successfully pursued through the courts, set the stage for still more change. These precedent cases can be conjectured about in the present to describe the probable and plausible actions that can be set in motion by further decisions. These can and should be studied as a resource for policy-makers.

Elective offices at all levels of political systems in the United States are for the most part filled with men whose formal educational experience includes some background in law. Legislators define the parameters of acceptable growth and change for society by legislating certain activities and acceptable modes of behavior for the society. This point cannot be overlooked in discussions about policy and decision-making which affect the future.

The rhetoric of futures-thinkers has as one of its basic tenets that the future is filled with alternatives. It is held that we can describe the future we see as an acceptable alternative to today and can plan for its occurrence by striving for certain ends to the deliberate exclusion of others. This assumes that no alternative is necessary; rather all alternatives are possibie and policy can be designed to make them more probable. They may fill the spectrum from good to bad, but each is in turn sufficient as an acceptable future--each an alternative to the present.

To describe alternative futures one conjectures a state of affairs different than today. After locating that future in the continuum of time, past-to-future, one can describe the hypothetical minimum sufficient changes that must occur in order for the specified alternative future to occur. In effect, a series of "if . . . then" propositions. By conjecture, we mean that men describe emerging new relationships that might never have occurred in the past, in such a way as to demonstrate the plausibility of a future that is new or decidedly different than we have ever known. Conjecture is a leaping into the unknown with a tracing of strategic routes (or plans) in order to describe how a specified future could come to be.

But when men analyze the past to demonstrate how things came to be, they do not conjecture, in this sense. Conjecture is intuitive and deals with the behaviors of men sufficient to reach an un-occurred future; extrapolation is reflective and deals with behaviors which once were really only sufficient, but have come to be seen as necessary by the very fact of their having occurred.

The law does not conjecture; rather, it emphasizes the non-alternative past. The law draws its strength and power from the continuance of our past traditions into the future. Forecasting the future by describing analogies from the past excludes the impact of individual human beings on the lives of men, and treats all men as constant through time, holding similar--never changing--beliefs, values, morals, and needs. What is

addressed here is the mind set that describes emerging futures in terms inconsistent with the rhetoric of alternative futures. The prescriptive power of law is not addressed.

The law is steeped in the past through the emerging history of cases. It depends on the continuance of belief in the meaning of right and wrong. But changes do occur. They occur regularly through various precedents. Often these precedent setting cases are referred to as landmark decisions. What are landmark decisions or precedents? They are nothing more than sufficient alternative ways of describing the meaning of our world so that all that has come before is no longer necessarily correct. Further, they are the conjectures of one man representing another who believes there is an alternative sufficient argument to substantiate his view.

Precedential cases change the shape and meaning of the society. They are as revolutionary in their long-range effects as are the actions of mobs and social class upheavals; but they have a unique distinction that should not be lost in this discussion. Precedent setting cases are always actions of "one man vs. the past"--one man having an alternative sufficient perception of the meaning of his world. In the United States alone, people like Escobedo, Brown, King, etc., coupled with the actions of their counsel, describe to a world a state of affairs where their actions demand reassessment and are heard first in court, then throughout the land. De Toqueville argued that mass movements follow the actions for change initiated within a government, not its inverse. It would appear that any decision of a court is not necessary, only sufficient. But over time these decisions, by repetition, come to be treated as necessary.

Every profession that continues through time develops habits. Habits are hard to break. The actions that comprise the habit come to be seen as necessary ways of behaving, thinking, or acting. We try to break habits when we conjecture about the future. Education in our society is a habit. But educational modes and styles change daily.

The major upheavals in societies today are in many ways directly linked to education--a process not controlled by those who experience it, nor experienced by those who control it. The youth of today are crying out with descriptions of alternative sufficient strategies of preparing themselves for the future and are met on every side by the strategies drawn from the past that are thought to be necessary, imposed on them by the educating system. Both want the young to learn.

- Is the strategy so important that the goal must suffer?
- Is there a necessary way to learn?
- Is our society capable of perceiving alternatives?
- Cannot precedents be set for a change process that is non-revolutionary and allows the disaffected to input into the strategies for learning?

It is an exciting prospect to hope that an idea as simplistic as the iteration of future conjectured goals in the past tense might be a significant way of breaking the mind set of causal links between past and future, at the same time breaking down the habits that lead to an inability to deal with the true possibilities of alternative futures.

THE INQUIRY

Questions and Policy Issues

- If as a society we train up a group of people to deal with and overcome technical problems, what do we do with these specialists when they solve the problem and are no longer necessary?

- When federal monies are used to; identify a problem, train the manpower to overcome the problem, support the problem solving activity through contracts to industry, and act as first and often last users of the end result, can that government include in this total apparatus transition support for affected personnel as a normal cost of the work itself? If not, who should?

- What, if any, is the relationship between a credential from an institution of higher education and an individual's ability to perform some forefront work?

- What is the purpose of the Manpower and Training Development Act? Should it only serve those who need lowest point-of-entry skills?

- Since social security is a trust and there is precedent to borrow from a trust, is not the social security system the appropriate body to grant loans for retraining both in name and in the intent of Congress? If not, which, if any, is?

- Is there a legitimate argument in the definition of "retirement" and "disability" that fits the unique problems addressed here?

- What suggestions can we address to the legislature and what are the dimensions of the problem?

- Does this problem pose new demands on the federal government to recognize the periphery of education (other than formal credentialed higher education) as a legitimate body to channel continuing education monies through?

- Is there an educating community prepared to service the needs of these people affected?

Background

The research in progress of the following staff of the Educational Policy Research Center at Syracuse that helped shape the broader questions dealt with here are listed below and these documents are available from the Center.

James C. Byrnes. The Quantity of Formal Instruction in the United States. Prepared for the U.S. Office of Education. Syracuse, N.Y.: Educational Policy Research Center, August 1970.

Thomas F. Green. Education and Schooling in Post-Industrial America. Some Direction for Policy. Presented to the Committee on Science and Astronautics, U.S. House of Representatives, Ninety-First Congress, Second Session, January 28, 1970. Washington: U.S. Government Printing Office, 1970.

Michael Marien. "The Discovery and Decline of the Ignorant Society, 1965-1985." Prepared for Futures: The Journal of Forecasting and Planning, Special Issue on Educational Planning, August 1971. Thomas F. Green, Guest Editor.

Stanley Moses. "Towards a New Conceptual Framework for Educational Policy." Working Draft. Syracuse: Educational Policy Research Center, February 1971.

John A. Henning and A. Dale Tussing. "Income Elasticity of the Demand for Public Expenditures in the United States." Working Draft. Syracuse: Educational Policy Research Center, June 1970.

A. Dale Tussing. "Poverty, Education, and the Dual Economy." Working Draft. Syracuse: Educational Policy Research Center, July 1970.

A. Dale Tussing and John A. Henning. "Long-Run Growth of Non-Defense Government Expenditures in the United States." Working Draft. Syracuse: Educational Policy Research Center, August 1970.

Warren L. Ziegler. "Some Notes on How Educational Planning in the United States Looks at the Future." In Notes on the Future of Education, a Publication of the Educational Policy Research Center at Syracuse.
Part 1: Vol. 1, Issue 1, November-December 1969
Part 2: Vol. 1, Issue 2, January-February 1970
Part 3: Vol. 1, Issue 3, Summer 1970

Materials (included in the next section)

Include: (1) a brief letter that outlines the purpose of the Educational Policy Research Center and states our concern with developing issues in law; (2) a news event; (3) background material; (4) a series of questions for the respondents to address.

THE STUDY MATERIALS

A. Letter

Pages 10-11

B. News Event

Page 12

C. Background Material

(Summary of Points Made in Brief)

Pages 13-14

D. Questions Addressed to Respondents

Page 15

SURC **Educational Policy Research Center at Syracuse**

March 1, 1971

Dear Sir:

One of the prime forces of social modification and change in this country has been the effect of precedent case law. As a research group performing policy research for the United States Office of Education, we are concerned with the implications of actions in law for education.

Much of the Syracuse EPRC's work is directed toward the implications of policy for the long-term future. These "forecasts" are not an end in themselves; rather, they become valuable inputs into a process designed to supply policy-makers with reasonable alternatives which will aid policy-making and planning at the federal level. Similarly, the events themselves act to focus attention on emerging issues and hopefully contribute to the changing policy agendas of the United States.

This letter concerns the second case in a series we are preparing. The first issue in the series dealt with the implications of a successful suit charging fraud against a school board. The concerns of the report helped focus attention on the pressing problems of accountability in education and the increasing number of performance contracts being let in the United States.

This, the second effort, deals with a problem emerging out of our complex society--namely, career obsolescence in a post-industrial society. We are asking you to consider the implications of a hypothetical court case that might arise from these problems and impact on the future of education.

We have enclosed Background Material, which we hope will serve to set a stage for the event in question. With it is a FUTURE "NEWS EVENT" detailing the minimum information of a successful court case. You are being asked to treat it as if it had already occurred while addressing each of the questions on the enclosed cards.

The news event concerning the case is stated in such a way as to help you deal with it as an occurred event rather than as improbable and not worthy of discussion. Many things that "could never happen" happen. We ask that you be as precise or as conjectural in your responses to the questions on the cards as you like.

You have been asked to participate in this exercise because of your past work and concern in the joint fields of law and education. Please return the response cards within two weeks from your receipt of this letter. You will receive a copy of the final report of this effort as soon as it has been prepared (usually two months).

Syracuse University Research Corporation, 1206 Harrison Street, Syracuse, New York 13210 tel: 315-477-8439

The populations addressed in the inquiry were:

Chief State School Officers
Legislators in State and Federal Office
Private Councils for Major Corporations in Education
Deans of Law Schools
Experts in the Field of Adult and Continuing Education
Private Practicing Attorneys
Members of Interested Publics
Council for Relevant Agencies

While all individual responses will be treated anonymously in the report, we would like to include a list of respondents. If, for any reason, you would prefer to have your name deleted from this list, please inform us of this when you return your card packet. If you have not received a copy of the first report in this series, and would like to, please note this on the last card.

If you are unable to respond personally, please ask an appropriate colleague to respond for you or in his own right, noting his name and title as respondent.

Thank you for the time and attention you devote to this project, and for your concern for the future problems facing education in the United States.

Sincerely,

Stuart A. Sandow, Ph.D.
Research Fellow

SAS:as
Enclosures

B.

Background Material

Summary of Points Made in Brief

Point: Throughout the late 1960's, social observers were pointing to the emergence of a post-industrial society in the United States, characterized, for example, by an escalating knowledge explosion and by the increasing application of high technology to the economy. They pointed to several indicators--specialization in education, interdisciplinary graduate programs, increasing isolation in academic fields of expertise, and the increasing number of specialized journals. At the time, forecasts were made that society was entering an era where highly trained people could not find a life-time of employment in their specialty, but would find themselves obsolete after only limited years of work because the technology once developed is self-obsolescing.

Point: During the late sixties, observers suggested we might have to accept the above forecast, but offered various solutions--many having to do with retraining and refresher courses, and, where fields were obsoleted, they proposed another idea of "serial careerism"--the investment of time and energy whenever necessary to prepare for entirely new and different careers.

Point: The problems of changing professions were seen as two-fold. Resources necessary to support a return to school were not available; simultaneously, the society continued to demand the legitimate credential offered by universities to the general exclusion of other proofs of competence.

Point: While college-age individuals in the 1950's were prompted to enter every emerging exotic or specialty field with the promise of life-long high earnings, the college-age students of the early 1970's are ignoring the specialties for a liberal education, fearing the same future career obsolescence they now see their own and their friends' parents facing.

Point: Increasingly in our society, experience is being less and less valued as a condition for employment; in fact, it often proves to be a deterrent. The rapid pace of information obsolescence often made recent graduates, in certain fields, more desirable than those with experience.

The Issue

As a society, we must now ask where our next generation of specialists will come from and how long we will need them. We must, as a post-industrial society, recognize our constantly expanding and changing needs for the technical expertise upon which our society has come to depend, and compensate those who will enter and serve where needed as long as needed, knowing that their society will help them serve again by aiding them in their needs for serial schooling.

The Plea

We acknowledge that there are many sources that could be approached, but we feel that this individual has faithfully placed his trust in his society and now wishes to draw on his own funds. He does not wish welfare services; he only wants to be gainfuliy employed and useful to his society. To do this he needs the resources sought here.

SURC Educational Policy Research Center at Syracuse

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'OBSOLETED' EXPERT ELIGIBLE FOR SOCIAL SECURITY BENEFITS! APPEAL FILED ! !

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D.

Questions Addressed to Respondents

1. What is the earliest possible date for the case reported here to emerge in any court?

2. If reversed in the Circuit Court, what is the most probable disposition in the Supreme Court?

3. If you were preparing the Plaintiff's Case, how might you argue?

4. If you were preparing the defense, how might you argue?

5. Other causes of action that might arise from the success of this action?

6. Suggestions for legislative action to forestall or nullify the necessity of the action? (Please specify agency, funds, committees, etc.)

7. From your knowledge base, what implications do you see a case of this type having for the future of education in this country?

8. What is your best estimate of the number of individuals who would need and use these funds?

9. What is your best estimate of the probable cost of such a program per year?

   $50,000 - $1,000,000
   $5,000,000 - $15,000,000
   $50,000,000 - $150,000,000
   more

10. If you see the event as beneficial to society, what lines of approach might legislators/educators/interested publics do to bring about the occurrence of the benefits sooner than you conjectured above? If you see this type of event as threatening to society, what lines of approach might be brought to bear to forestall the event?

11. I understand that my responses will be treated anonymously.

    I (am, am not) willing to have my name mentioned as a respondent to this inquiry.

    I (would, would not) be willing to act as a respondent in further studies in this series.

    I (would, would not) like to receive a copy of the first report of the Series, "FRAUD."

INTRODUCTION TO RESPONSES

- 183 individuals were invited to respond.

- 60 responded by March 29th, 4 weeks after the mailing.

- Of the respondents 29 were willing to be identified.

- The major conclusions outlined on the following page in no way are intended to replace for the reader the discreet and reasoned positions and arguments that follow. They are merely intended to capsulize positions. They do not reflect the lucid and articulate divergent opinions suggested by respondents.

- The inquiry and the major conclusions do not represent any attempt at delivering consensus. I firmly believe in the efficacy of human deliberation and to that end the most important material in this document is in the array. It is left to the reader who turns to this report for background and ideas on the problem to pick from the array those bits and pieces he chooses to believe and take guidance from.

- This approach to the delivery of information is imperative in that it allows the sustained divergence of opinion until it is necessary to choose.

MAJOR CONCLUSIONS AND REPRESENTATIVE RESPONSES

1. 70% of respondents see the possibility of the case arising and succeeding within three years.

> Within two years, unless Congress acts along the lines of Veterans' Education benefits.
>
> *Attorney*

> I seriously doubt that this case will ever emerge in a court. The case is contrary to the intent of the Social Security legislation, and the court would refuse it.
>
> *Private Education Corp.*

2. 80% see a reversal supported by the Supreme Court.

> I think the Supreme Court will assume jurisdiction probably on a Writ of Certiorari. The decision of the Court will depend upon the number of cases brought of this nature.
>
> *State Education Official*

> Given the political complexion of the present Supreme Court, the decision would be either to refuse to hear the case, or to support the Circuit Court.
>
> *State Education Official*

> The Supreme Court would wait on Congress to construe "general welfare" in some non-arbitrary way. The court would claim it was obligated to wait for this change in law.
>
> *Attorney*

> Action has no current legal base. Would never reach Circuit Court.
>
> *University Official*

3. Arguments suggested for the plaintiff include: participation in the trust fund as grounds for loan; disability; reinterpretation of general welfare clause; unconstitutionality of the age requirement. 20% would refuse the case.

> That social security contributions are similar to insurance premiums and the plaintiff should be able to withdraw up to his cash surrender value for loan purposes.
>
> *Adult Educator*

I would argue that the arbitrary age qualifications of the social security statute are secondary to its essential purpose; that is, to provide financial benefits to disabled and retired workers; that Aerosmith is qualified on both counts due to circumstances beyond his control.

Counsel, Education Corp.

I would not take the case.

Attorney

4. Suggestions for the defense include: not intent of Congress; would destroy retirement benefits; not appropriate agency; plaintiff does not meet age requirement; no cause of action.

There is no provision for withdrawal of deposits for this purpose.

State Education Official

By accepting the pay he accepted the risk. He has no case. It is not the role of the government to retrain a man who enters a field by choice.

Adult Educator

Use of these funds would bankrupt the social security system. It would not be in the general welfare to tap that money as a loan account. Plaintiff admits to living beyond his means.

Attorney

This is an act for the legislature to decide and not one for the court system.

Federal Legislator

5. If successful, the case could be grounds for: other group actions; end of government support to innovation; social security becomes umbrella agency; establish precedent of retained equity; cause a redefinition of continuing education.

It would be necessary to have society deal with the questions that ask what is the difference between training and retraining, education or re-education, and under what rules is a man once trained eligible for new training with support?

Adult Educator

The success of this action would tend to set a precedent that payment of federal taxes implies a residual retainment

of equity by the taxpayer. He may then sue to recover when he thinks his financing of government has not been properly used, or when an action occurs to him.

University Official

Would lead to a necessity for a better planning system in the United States to foresee job obsolescence and prepare funds outside the social security system for the retraining of people whose jobs are pending obsolescence.

Adult Educator

6. Suggestions to the legislature include: expand unemployment insurance benefits; expand manpower development and training act; expand national defense education loans.

The creation of some sort of voucher system for the post-secondary school system for already credentialed individuals that would allow a high degree of flexibility to be maintained in the continuous re-cycling of obsoleted technicians into areas of high social need.

Attorney

Could force the creation of a presidential executive commission on human resource planning and utilization in the same sense that we have a Council of Economic Advisors and Council on Environmental Protection. Up until the last few years the government has been urging students to specialize in areas that they are no longer funding work in. They have been reducing the amount of funding available to employers requiring these specialties. It is impossible for a complex society such as ours to last long in a laissez faire coordinated manpower training program. An example of the successful systems can be seen in Western Europe and particularly in Japan, where serious government attention is given to coordinated planning.

Private Education Corp.

HEW should administer funds for retraining similar to veterans' benefits. There is a legitimacy in this in that they are designed in many cases to retrain the individual for society to compensate him for the obsolescence he has suffered through his years in military service. Oftentimes, his duties are totally unrelated to his educational background. It could even be argued that his service was in the form of defense work in that much of the money in aerospace technology has come out of the Defense Department.

Attorney

7. 70% of respondents see the emergence of the concept of "life-long education as a right," as the primary implication for the future.

> My sense of what goes on in education these days is that people are taught what and how to think and that what they are taught to think is all there is to think about, and that is the right way and the only way to think. The problem this case presents cannot be readily resolved as long as that persists.
>
> *Attorney*

> This would force the reduction of residency requirements that most professional universities and other post-high school institutions have. It might help to break down the barriers of certification. Pressure to reduce the number of graduates produced in any area of specialization through elimination of initial training opportunities.
>
> *State Education Official*

> It will force the government to face the reality that higher education is becoming less place and time centered and more an integral part of life itself. Entry, exit, re-entry are going to be necessary throughout the life-span and the federal government will not only find it useful but economical to provide (GI Bill) types of support from time to time for any adult who needs to return to college and refresh himself and develop new skills relevant to a world of change.
>
> *University Official*

8. 80% of respondents estimate between 1 and 5 million people would need service by 1980.

> Between 5 million and 15 million.
>
> *State Education Official*

> More than 150 million.
>
> *Private University Counsel*

9. 75% of respondents estimate cost in excess of 150 million a year.

> 30% of white collar labor would conceivably need it some time during their life. There is a problem, however, in the sciences where many experts would refuse

any retraining because it would mean that they would have to admit that their information is out-of-date or not relevant.

Adult Educator

10. 85% of respondents see the <u>effects</u> of the successful case as <u>beneficial</u> to society.

The fact that Aerosmith found it necessary to ask the courts for redress, tells us a great deal about the breakdown of the political institutions in this country. The courts have in recent years been asked to address many of the political problems that should be solved in the political process. If the courts attempt to solve these problems, they must do it with what little authority and prestige and value they have now. The government should be monitored to prevent it from offering the scholarships and other programs of financial assistance in preparation of trained individuals in areas that there is no social need.

Attorney

Two options: end credentials, or increase support for sabbatical retraining.

University Official

If this is not done in a very short time, I believe that we will have a large group of very well-trained people who have become completely disenchanted with our society and will form the basis for radical political action probably on the right as happened in Germany in the late 20's and early 30's.

Private Education Corp.

Force corporations to negotiate high risk jobs with certain deferred salary payments being held in some sort of job insurance. Might be some sort of tax incentive for entering the high levels of socially needed technical areas of skill. The establishment of a federal loan account for people who have already finished any post-secondary education experience and need retraining. Might cause an on-demand university, where any people wanting the same curriculum would force its existence, yet the credential society continues to exist.

Adult Educator

COMMENTS ON MAJOR CONCLUSIONS

- While the majority date the event as occurring in the next three years there is no implication that they feel it would succeed. The dating only indicates a willingness to deal with the issue at all. In fact, the response to the second question as to the final disposition in the Supreme Court clearly emphasizes the respondents' belief that while some social action is clearly necessary, it is the responsibility of a legislative body to institute appropriate new agencies and not cripple existing ones.

- While the majority saw a higher court reversal, they were able to agree on the legitimacy of discreet claims that the plaintiff might argue. The most interesting to the author was the absolute number of respondents who cited the unconstitutionality of the age requirements.

- The responses to the fifth question; (other actions this suit would cause) were intriguing in their range of impact described.

- While the suggestions for legislative action were to be expected and are, of course, the reasonable areas to address, I did expect the proposal of at least one new conceptual framework.

APPENDICES

I. Disaggregate Edited Responses

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II. List of Respondents

Pages 43-46

III. Future News Events
Examined in this Series

Pages 47-49

Appendix I

DISAGGREGATE EDITED RESPONSES

1. What is the earliest possible date that the case reported here could emerge in any court?

Immediately. *(State Education Official)*

The issue is salient now. It is emotional. Force social reform through court action. *(Adult Educator)*

Within two years. *(Adult Educator)*

Within two years, if unemployment continues to rise in the ranks of the specialists. *(State Education Official)*

Within two years. *(Attorney)*

Within two years, unless Congress acts along the lines of Veterans' Education benefits. *(Attorney)*

Within two years. *(Attorney)*

Within two years. *(Adult Educator)*

Within two years. *(University Official)*

Within two years. *(University Counsel)*

In 1972. *(University Counsel)*

In 1972. *(Adult Educator)*

1975. *(Adult Educator)*

1976. *(Adult Educator)*

The Year 2000. *(National Organization Counsel)*

Unlikely ever. *(University Counsel)*

I seriously doubt that this case will ever emerge in a court. The case is contrary to the intent of the Social Security legislation, and the court would refuse it. *(Private Education Corp.)*

Never. *(University Counsel)*

2. <u>If reversed in the Circuit Court, what is the most probable disposition in the Supreme Court</u>?

The Supreme Court would affirm Circuit Court.
(Adult Educator)

I think the Supreme Court will assume jurisdiction probably on a Writ of Certiorari. The decision of the Court will depend upon the number of cases brought of this nature. *(State Education Official)*

The Circuit Court would be upheld; that is, Aerosmith would loose.
(Education Corporate Counsel)

The Supreme Court would affirm Circuit Court decision.
(Adult Educator)

The Supreme Court would hold with the Circuit Court; would most likely forward an opinion to instigate a Federal Job Insurance program out of brand new funds. *(Policy Analyst)*

The Supreme Court <u>should</u> hold for the plaintiff, but not in a "law and order" court. *(Adult Educator)*

Given the political complexion of the present Supreme Court, the decision would be either to refuse to hear the case, or to support the Circuit Court.
(State Education Official)

The Circuit Court would be upheld. *(National Education Organization)*

The Supreme Court would refuse to hear the case.
(University Counsel)

The Supreme Court would wait on Congress to construe "general welfare" in some non-arbitrary way. The court would claim it was obligated to wait for this change in law. *(Attorney)*

I believe the Supreme Court would refuse to hear it.
(Attorney)

I believe the Supreme Court would refuse to hear the case.
(Private Education Corporation)

Supreme Court would refuse to hear case. *(Law Faculty)*

Supreme Court would hold for the plaintiff. *(Adult Educator)*

The Supreme Court would refer the case to the legislature.
(Federal Legislator)

The Supreme Court would hold with the Circuit Court. The present climate of the court is such that chances to reverse are slim. Witness the recent refusal of the Court to legislate in the areas of education; (McInnis v. Ogilvie, 394 U.S. 322 (1969), and Welfare (Dandridge v. Williams, 397 U.S. 471 (1970). *(Attorney)*

I do not believe that a reversal in the Circuit Court will allow a basis for securing any review in the Supreme Court. The economic base for the benefits has been established to provide for what Congress enacted, and not for unlimited use in social general welfare. *(University Counsel)*

The Supreme Court will uphold Circuit rejecting the issue on the ground that forcible retirement or economic disability were not intended to be covered under Social Security. *(Adult Educator)*

Action has no current legal base. Would never reach Circuit Court.
(University Official)

3. <u>If you were preparing the plaintiff's case, how might you argue?</u>

That social security is constituted as a fund which the plaintiff has the right to draw on, at least to the extent of his contribution.
(University Counsel)

That social security contributions are similar to insurance premiums and the plaintiff should be able to withdraw up to his cash surrender value for loan purposes. *(Adult Educator)*

Plaintiff has a right to draw upon deposits for the purpose of retraining. The Appellate Courts have been very liberal in cases involving constitutional rights. *(State Education Official)*

The Social Security Acts are unconstitutional deprivature of his property, i.e., that portion that he contributes without due process of law. The government has taken his money and intends to apply it in a manner contrary to his interests: without consulting him and without regard to his current situation, and its unwillingness to be flexible in the application of the money flies in the face of the very purpose of the Social Security law.
(Attorney)

The sudden wipe-out of an occupation is a new kind of fate, but equally deadly, as is any other disability, since it is basically caused by social mismanagement, that is, a lack of planning in the allocation and use of funds for training, the obligation to help the victim is even more direct.
(Adult Educator)

I would argue that it is my client's money; it is a fund and there is a precedent for funds to be loaned for socially useful purposes.

(Policy Analyst)

The Social Security system is in the form of an insurance trust to which the individual makes contributions and which returns his investment pro rata according to his contribution within statutory limits. There is precedent for drawing upon insurance trust funds and the widely spread practice of insurance loans, and in drawing upon trust funds in general, in case of identified basic needs. Consider, for example, the courts have repeatedly held that trust funds for minor children which are payable to the child at age 21 can be drawn upon with court approval for education, medical care, etc. There is precedent in welfare cases for placing a lien upon real property in return for cash advances in situations of basic need. Title remains with the property owner, and may be cleared by repayment. An analogy may be drawn between this procedure and making a cash advance from the Social Security investment with a corresponding reduction in benefits, which could be removed by repayment. *(State Education Official)*

I wouldn't take it as his attorney. *(University Counsel)*

I would make a "general welfare" argument keeping people working and off welfare is in the interest of the "general welfare." Young people who are disabled physically receive social security benefits. Victims of career obsolescence are similarly disabled. The important concept is disablement, that is, being unable to work in society due to circumstances beyond one's control, not whether the cause of this condition is physical.

(Attorney)

I believe that the law defines retirement as a function of chronological age. I would have to argue that effective age and chronological age are synonymous, but I cannot make much of a case for this.

(Educational Corporation Official)

I would argue that the arbitrary age qualifications of the social security statute are secondary to its essential purpose; that is, to provide financial benefits to disabled and retired workers; that Aerosmith is qualified on both counts due to circumstances beyond his control.

(Counsel, Education Corp.)

I would first point to the Merrill Act (land-grant colleges) which documents a national need for education for all as an economic necessity. I would also bring in the vocational acts revised in 1968 to determine social and national need of training. I would further argue that retirement based on age is discriminatory and against the law as it is for hiring. Therefore, social security should be based on need and not chronological age.

(Adult Educator)

The plaintiff was encouraged to enter the aerospace field by the government through draft deferments and subsidies for education. He was then employed by the government through a private corporation in the aerospace industry and he may have received financial assistance for extra research projects while there; that the plaintiff has paid social security benefits for upward of fifteen years; that through changes in government priorities, that is, less emphasis on aerospace, he is "retired" within the meaning of the social security law, and thus eligible for benefits; that plaintiff is disabled within the meaning of the law. *(Attorney)*

If I took the case at all, I would appeal to the problem of equity, vis-a-vis de jure retirement dates as written into the law, and de facto retirement age and date as affecting my client. I would argue the inability of the plaintiff to participate in retirement benefits of his own contributions when he has indeed been subjected to de facto retirement. The absence of plaintiff's ability to secure funds for retraining does not appeal to equity.

(University Official)

I would not take the case. *(Attorney)*

4. If you were preparing the defense, how might you argue?

The present social security system has no provision for relief to the plaintiff.

(Adult Educator)

There is no provision for withdrawal of deposits for this purpose.

(State Education Official)

This is an inappropriate case and it should not be brought nor heard.

(University Counsel)

It was not the intent of Congress to cover this in the Social Security Act. The high compensation to the aerospace engineer in general is based on the transience of the job and the lack of a guaranteed future. By accepting the pay he accepted the risk. He has no case. It is not the role of the government to retrain a man who enters a field by choice.

(Adult Educator)

The general welfare argument is best served by creating new sources of funds.

(Policy Analyst)

Inappropriate place to seek funds. Should have some kind of professional unemployment insurance, which would be a state responsibility rather than a federal one. This issue would bankrupt the social security system.

(Adult Educator)

This is a matter for legislation. In the area of manpower development and training acts, and not in the purview of the social security administration. Finding for the plaintiff would threaten the soundness of the social security system, and would open the door to an assault on other retirement funds, with a corresponding serious dislocation of retirement investments.

(Federal Legislator)

The social security fund is established in the public interest rather than for private benefit. This would establish a precedent for the raiding of public retirement monies by other branches of government for other public and private needs. One would expect other groups, such as unemployed miners, auto workers, and other non-technological employables to institute similar actions from private relief. *(State Education Official)*

Holding for plaintiff would destroy a carefully designed old aged survivors insurance system. Remedy is not to remodel the system but to design new systems. *(National Education Organization)*

Use of these funds would bankrupt the social security system. It would not be in the general welfare to tap that money as a loan account. Plaintiff admits to living beyond his means. *(Attorney)*

Entirely contrary to the legislative intent of the social security act. The criteria of chronological age for eligibility makes him ineligible. He does not meet the criterion. *(Private Education Corporation)*

The law as presently written did not intend to take care of the contingency we discussed here. *(Legal Faculty)*

This is an act for the legislature to decide and not one for the court system. *(Federal Legislator)*

While it is in the power of Congress to enact legislation to open the social security coffers to persons like Aerosmith, the court has no power to amend

legislation which is clear, unambiguous, and constitutional. Further, Aerosmith does not meet the statutory qualifications for these benefits.

(Major Education Corp. Counsel)

Plaintiff entered the aerospace field of his own volition. Plaintiff is not eligible because he is not 61 unless he is disabled. The plaintiff is not disabled within the meaning attached to the word in the social security law. Plaintiff is not retired since work of some type is available to him and he has not yet reached the statutory retirement age.

(Attorney)

To assertthat obsolescence of skills is another form of disability is beyond the intent of Congress. Allowing usable personnel to be retired is wasteful from a societal standpoint. The plaintiff should seek to mount an effort to bring the problem before Congress and to seek appropriate programs. Without Congressional action and additional fund-raising no equitable treatment is possible. *(University Counsel)*

Social Security laws do not cover forcible retirement or economic disability.

(Adult Educator)

It would not be necessary to prepare a defense; move for dismissal on the grounds that the plaintiff does not have a cause for action.

(University Official)

Society did not retire him and does not owe him anything beyond what anyone else has. *(Private University Counsel)*

5. Other causes of action that might arise from the success of this action

Suits for hospital and medical expenses to be credited against some future medicare draw or social security payment, or indeed suits for daily living expenses if and when the need arises. *(University Counsel)*

It would be necessary to have society deal with the questions that ask what is the difference between training and retraining, education or re-education, and under what rules is a man once trained eligible for new training with support? *(Adult Educator)*

This action could result in a precedent for remotely related actions such as minority groups retraining, minority basic need and satisfaction, the retraining of groups such as housewives who have completed one phase of their societal contribution and are looking for a new entry or re-entry in the labor force. *(State Education Official)*

Suit brought by the recipients of social security claiming that career obsolescence interpretations of general welfare law would bankrupt their funds. *(Attorney)*

Immediate legislation to nullify the effects of the case. *(Private Education Corporation)*

The success of this action would tend to set a precedent that payment of federal taxes implies a residual retainment of equity by the taxpayer. He may then sue to recover when he thinks his financing of government has not been properly used, or when an action occurs to him. *(University Official)*

Could lead to complete socialism. *(Private University Counsel)*

Would lead to a necessity for a better planning system in the United States to foresee job obsolescence and prepare funds outside the social security system for the retraining of people whose jobs are pending obsolescence. *(Adult Educator)*

If Aerosmith successfully made the case that he was retired as a result of government action, he would have a very strong case. This would isolate it out of cases where private corporations laid off individuals or effectively "retired" them. *(Attorney)*

6. Suggestions for legislative action to forestall or nullify the necessity of the action. (Please specify agencies, funds, etc.)

The creation of some sort of voucher system for the post-secondary school system for already credentialed individuals that would allow a high degree of flexibility to be maintained in the continuous re-cycling of obsoleted technicians into areas of high social need. *(Attorney)*

Suggestion for educational security system proposed by the Carnegie Commission on Higher Education. Some kind of overseeing boards to stimulate training in various groups supported by an "employer tax," similar to the industrial training boards in Great Britain. The proposal by Senator Kennedy for training disabled technical workers. *(Adult Educator)*

Department of Labor and the Department of Education should jointly design a program and submit it to the legislature to tackle this sort of problem. *(Policy Analyst)*

Redefine educational goals for the country as a whole to cover concept of right to continuing education, and have federal, state, and local funding as now in education. *(Adult Educator)*

An expansion of the legislative concept represented in the Manpower Development and Retraining Act to include the technologically unemployed as well as the disadvantaged. This would provide a solution to the problem posed in this action. *(State Education Official)*

The establishment of public federal committees with representatives from government, universities, and industry; that is, those people who plan people out of business and those who can probably do something about it. Should be created as an administrative advisory board to the government for the granting of loans. *(Attorney)*

Could force the creation of a presidential executive commission on human resource planning and utilization in the same sense that we have a Council

of Economic Advisors and Council on Environmental Protection. Up until the last few years the government has been urging students to specialize in areas that they are no longer funding work in. They have been reducing the amount of funding available to employers requiring these specialties. It is impossible for a complex society such as ours to last long in a laissez faire coordinated manpower training program. An example of the successful systems can be seen in Western Europe and particularly in Japan, where serious government attention is given to coordinated planning.

(Private Education Corp.)

Professional organizations offering insurance as a part of dues much like unions have war chests for strikes. *(Adult Educator)*

Subsidy program as a manpower training act that would limit funds to tuition fees in a subsidy similar to the GI bill. *(Adult Educator)*

HEW should administer funds for retraining similar to veterans' benefits. There is a legitimacy in this in that they are designed in many cases to retrain the individual for society to compensate him for the obsolescence he has suffered through his years in military service. Oftentimes, his duties are totally unrelated to his educational background. It could even be argued that his service was in the form of defense work in that much of the money in aerospace technology has come out of the Defense Department.

(Attorney)

7. <u>From your knowledge base, what implications do you see a case of this type having for the future of education in this country</u>?

It might reduce the applicants for post-graduate education in high technology areas. *(Adult Educator)*

This would be the greatest boon to the entire area of post-secondary and continuing adult education. *(State Education Official)*

Might lead to a less career-oriented education system. The emphasis in education should be in developing a person's abilities to think and developing some flexibility. My sense of what goes on in education these days is that people are taught what and how to think and that what they are taught to think is all there is to think about, and that is the right way and the only way to think. The problem this case presents cannot be readily resolved as long as that persists. *(Attorney)*

It will lead to the long-hoped-for learning society, the dream-world of all adult educators. The opportunity to learn will become a continuing aspect of life, not only funded K-12. It will be available in myriad forms in every aspect of life, both in work and in leisure institutions. This would have a profound salutory effect on every educational and social problem in the present day. *(Adult Educator)*

It will bring to public attention the transitory nature of high specialization. It will create demands for education with variable and multiple skills output. It will increase industrial education. It will increase the number of adults in higher education. It may force federal subsidies for training. *(Policy Analyst)*

This would force the reduction of residency requirements that most professional universities and other post-high school institutions have. It might help to break down the barriers of certification. Pressure to reduce the number of graduates produced in any area of specialization through elimination of initial training opportunities. This may bring about the loss of individual choice, although the concept of democratic competition for available training slots could be reserved. Force an increase in the competency and quality of counseling centers. *(State Education Official)*

A serious change in the age and composition of groups in the school may cause more demand for relevant courses. The possibilities of a plan for post-secondary education, that would be an "associate of arts," "bachelor of arts," "master of arts," and a "Ph.D.", each taking two years to complete. The increase in non-resident degrees, like the State University of New York is now

offering. Build the academic concept of sabbatical into business and industry. Will force an increase in the knowledge-based society in a recognition that education is not a luxury but a requirement for continuous living and participation in that society. *(Adult Educator)*

A high probability of a breakdown in the full-time matriculated degree candidate students in day programs at colleges and universities. A heavy emphasis on specialized training. *(Adult Educator)*

This issue would force the government to support private higher education to set up retraining programming for these obsoleted skills.

(Private University Counsel)

Increase in self-instruction packages, use of public broadcast media, massive influx of monies probably from a levy against industry.

(Adult Educator)

Would lead to a wider liberal arts background in undergraduate education with technical training only at the graduate level.

(Attorney)

This problem would force the deeper re-analysis of the educational system of our society in terms of its applicability and its effectiveness to our present high technical society. The present system is obviously inadequately suited to the apparent task, but it is the responsibility of 50 states--20,000 autonomous school districts, and several thousands of private institutions who cannot react to a national problem properly on a coordinated basis. This is undoubtedly due to a lack of central responsibility in any agency of the federal government. *(Private Counsel)*

It will force the government to face the reality that higher education is becoming less place and time centered and more an integral part of life itself. Entry, exit, re-entry are going to be necessary throughout the life-span and the federal government will not only find it useful but economical to provide "GI Bill" types of support from time to time for any adult who needs to return

to college and refresh himself and develop new skills relevant to a world of change. *(University Official)*

This incident would just be another example of breaking down the moral fiber of our people, of getting away from the fundamental basics which have made our education system the greatest in the world until just lately. *(Private University Counsel)*

8. What is your best estimate of the probable cost of such a program per year?

(Dollars)

More than 150 million.	*(Adult Educator)*
Between 5 million and 15 million.	*(State Education Official)*
More than 150 million.	*(Private University Counsel)*
5 million to 15 million per year.	*(Adult Educator)*
About 150 million.	*(Policy Analyst)*
Somewhere around 300 million per year.	*(State Education Official)*
150 million or more.	*(National Education Organization)*
More than 150 million.	*(University Counsel)*
More than 150 million.	*(Private Education Corp.)*
50-150 million.	*(Adult Educator)*
25-30 million.	*(Adult Educator)*
Between 5 and 15 million.	*(Adult Educator)*
Around 250 million.	*(Attorney)*
Less than a million.	*(Adult Educator)*
40 billion per year by 1980.	*(University Official)*
More than 150 million.	*(Attorney)*

9. What is your best estimate of the number of individuals who would need and use these funds?

A very small percent and only specialists. *(Adult Educator)*

60,000. *(State Education Official)*

A significant percentage of the labor force. *(Private Counsel)*

Several million. *(Adult Educator)*

1,500,000 per year. *(Policy Analyst)*

20-30% of unemployed people would tap the service. An unemployment rate of 7-9% now exists generally with as high as 30-35% of professionals in certain one-industry towns. *(Adult Educator)*

30,000 individuals per year in the white collar labor force. *(State Education Official)*

1-4 million cases per year. *(Professional Educational Organization)*

25-33% of the adult population who are earning subsistence or marginal wages would probably tap this service. *(University Counsel)*

Around 200,000. *(Private Education Corp.)*

100,000 per year. *(Adult Educator)*

Difficult question. 30% of white collar labor would conceivably need it some time during their life. There is a problem, however, in the sciences where many experts would refuse any retraining because it would mean that they would have to admit that their information is out-of-date or not relevant. *(Adult Educator)*

Around 50,000 per year. *(Attorney)*

20,000 per year. *(Adult Educator)*

8 million per year by the end of the 70's; 15 million per year by the end of the 80's. After that, the learning force and the labor force would be continually intermingled. *(University Official)*

10. If you see the event as beneficial to society, what lines of approach might legislators/educators/interested publics do to bring about the occurrence of the benefits sooner than you conjectured above? If you see this type of event as threatening to society, what lines of approach might be brought to forestall the event?

Better career guidance and placement services.

(Adult Educator)

The fact that Aerosmith found it necessary to ask the courts for redress, tells us a great deal about the breakdown of the political institutions in this country. The courts have in recent years been asked to address many of the political problems that should be solved in the political process. If the courts attempt to solve these problems, they must do it with what little authority and prestige and value they have now. The government should be monitored to prevent it from offering the scholarships and other programs of financial assistance in preparation of trained individuals in areas that there is no social need. *(Attorney)*

RFP's coming from HEW to determine the dimensions of the economic problems of retraining, the founding of feasibility studies by private foundations, and the specific ramifications of using social security for these uses, retraining programming something like MEDAX, founded from special money from Congress set aside under research and development in education, or in labor.

(Adult Educator)

Two options: end credentials, or increase support for sabbatical retraining.

(University Official)

If this is not done in a very short time, I believe that we will have a large group of very well-trained people who have become completely disenchanted with our society and will form the basis for radical political action probably on the right as happened in Germany in the late 20's and early 30's.
(Private Education Corp.)

A court case of this kind would be beneficial. It would force the legislature to act along these lines. *(Law Faculty)*

Beneficial. Could force educational benefits out of the employees, as stated earlier. *(Adult Educator)*

Beneficial. Could force professional societies to lobby for legislation to be administered under HEW. *(Adult Educator)*

Beneficial. Could force legislation . . . . . ?
(Private Education Counsel)

Could force corporations to negotiate high risk jobs with certain deferred salary payments being held in some sort of job insurance. Might be some sort of tax incentive for entering the high levels of socially needed technical areas of skill. The establishment of a federal loan account for people who have already finished any post-secondary education experience and need retraining. Might cause an on-demand university, where any people wanting the same curriculum would force its existence, yet the credential society continues to exist. *(Adult Educator)*

I see the case as beneficial in that it will bring and force the legislature to act. The case would have an uncertain affect or value. It certainly would draw attention to the problem, but it would not settle the issue. Industry should contribute a percentage of their profit to a fund to support programs dealing with obsolescence of education and training. Labor organizations should include such items in negotiation. Some type of sabbatical should be worked out in which certain industries pay individuals for going to school at regular intervals. *(University Official)*

Threatening. Let educators go back to putting more emphasis on the value of hard work and thrift. *(Private University Counsel)*

Appendix II

LIST OF RESPONDENTS*

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Appendix III

FUTURE NEWS EVENTS EXAMINED IN THIS SERIES

#1

Lafayette School Board Guilty of Fraud

November 1970

#2

'Obsoleted' Expert Eligible for Social Security Benefits!
Appeal Filed!!*

April 1971

#3

Unequal Student Aid Declared Unconstitutional!!!
Court Decision Will Force Legislative Action

June 1971

#4

State University Found Negligent!!!
Guilty of Exceeding Statutory Authority

July 1971

* Case reported in this volume.

Excerpt

FUTURE NEWS EVENT

#1

LaFayette School Board Guilty of Fraud

The Supreme Court today refused to hear an appeal from the Third Circuit Court in the case of John Brockman vs. The LaFayette Board of Education.

The case concerned the fact that while Brockman, 19, received a diploma from the LaFayette High School, he could only read at a seventh grade level.

His lawyers argued that the school system thus failed in its obligation to provide him with the learning skills they imply he received by awarding the diploma . . .

November 1970

#2

'Obsoleted' Expert Eligible for Social Security Benefits !
Appeal Filed !!

PHILADELPHIA (SURC) -- The United States District Court in Philadelphia ruled today that John Aerosmith, an unemployed aerospace engineer, is eligible to receive advances, etc., from the social security trust fund.

Attorneys for the government have appealed to the United States Circuit Court of Appeals, and have indicated that, if the decision of the lower court is upheld, they will appeal to the Supreme Court . . .

April 1971

Excerpt

FUTURE NEWS EVENT

#3

Unequal Student Aid Declared Unconstitutional !!!
court decision will force legislative action

ALBANY (SURC) --- A New York State Supreme Court judge in Albany ruled today that the state must support equally all students attending any public or private institution of higher learning in the state. In the ruling, unequal support based upon the institution an individual attends, was declared unconstitutional, and the existing system was charged with creating a classification "which constitutes an invidious discrimination clearly denying equal protection under the law" . . .

June 1971

#4

State University Found Negligent !!!
guilty of exceeding statutory authority

ALBANY (SURC) --- A New York State Supreme Court judge in Albany ruled today that the State University of New York had clearly exceeded its statutory authority under the New York Education Law, by offering curricula in excess of public demand at the expense of private institutions, and that their activities bordered on negligence. Judge S. B. Schroeder's ruling, directed to SUNY's Board of Trustees, ordered an immediate end to any curriculum currently offered which placed the state-supported campuses in direct competition with private colleges and universities where no real need exists . . .

July 1971

WORK IN PROGRESS

1. COMPULSORY ATTENDANCE (if education is a consumer business, can you make a consumer buy in a monopoly system?).

2. OPEN ADMISSION TO HIGHER EDUCATION (as a right?).

3. DENIAL OF EQUAL RIGHTS TO HIGHER PUBLIC EDUCATION.

4. PUBLIC HIGHER EDUCATION IN UNFAIR COMPETITION WITH PRIVATE HIGHER EDUCATION.

n. ?

   a. Preparation of a histogram of the legal precedents set in the 1960's for a forecasting base for the mid-1970's.

   b. Preparation of a conjecture handbook available to the law schools of the country.

   c. Preparation of "Future" Moot Courts.

Information and Order Form

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Educational Policy Research Center/
Syracuse University Research Corporation
1206 Harrison Street
Syracuse, New York 13210

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   _____ Title _____

6. Comments _____

   _____

   _____

   _____

FUTURE NEWS EVENTS EXAMINED IN THIS SERIES

(more information see pages 48-50)

#1

LAFAYETTE SCHOOL BOARD GUILTY OF FRAUD

November 1970

#2

'OBSOLETED' EXPERT ELIGIBLE FOR SOCIAL SECURITY BENEFITS!
Appeal Filed!!*

April 1971

#3

UNEQUAL STUDENT AID DECLARED UNCONSTITUTIONAL!!!
Court Decision will Force Legislative Action

June 1971

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STATE UNIVERSITY FOUND NEGLIGENT!!!
Guilty of Exceeding Statutory Authority

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